



APPLICATION FILED: October 25, 2005
PLANNING COMMISSION: March 23, 2006
BOARD OF SUPERVISORS: TBA

County of Fairfax, Virginia

March 9, 2006

STAFF REPORT

APPLICATION PCA C-696-5

HUNTER MILL DISTRICT

APPLICANT:	DSV Dulles Fox Mill LP
PARCEL(S):	15-4 ((5) 2A, 2B, 3, 4, 5, and 8A 16-1 ((25)) 1
ACREAGE:	51.76 Acres
ZONING:	PDC
FAR:	0.99 FAR (or 2.7 million square feet) of office, research and development, multifamily residential, retail and other complementary uses
OPEN SPACE:	23%
PLAN MAP:	Mixed Use
PROPOSAL:	Amendment to Transportation Proffer #5 associated with PCA C-696-4 to make a monetary contribution to pay for offsite transportation improvements rather than acquiring the land and constructing the improvements as previously proffered.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA C-696-5 subject to the execution of proffers consistent with those contained in Appendix 1.

Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
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www.fairfaxcounty.gov/dpz/

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant proposes to amend Transportation Proffer #5 of PCA C-696-4 relating to offsite transportation improvements to make a monetary contribution to pay for the proffered improvements rather than acquiring the land and physically constructing the improvements themselves.

Proffer #5 currently states:

"The Applicant shall dedicate to the Board of Supervisors in fee simple all lands necessary for the construction of, and shall construct a free flow right turn lane on southbound Horse Pen Road (renamed, and hereinafter referred to as, Sunrise Valley Drive) onto westbound Frying Pan Road at the Frying Pan Road/Sunrise Valley Drive intersection. Said lane shall extend a minimum of six hundred (600) feet north of Frying Pan Road exclusive of its transition to existing Sunrise Valley Road. In addition, the Applicant shall construct and dedicate all lands necessary for the construction of a single westbound lane on Frying Pan Road from the Frying Pan Road/Sunrise Valley Drive intersection to the Route 28/Frying Pan Road intersection. The applicant shall construct these improvements prior to the issuance of non-RUPs for more than 1,080,000 square feet of gross floor area, or issuance of RUPs and non-RUPs for more than 1,250,000 square feet of gross floor area, whichever occurs first. However, if the recommended road improvements for westbound Frying Pan Road are bonded or constructed by others, then the Applicant's obligation to provide the improvements described in this proffer shall cease."

The applicant requests to amend this proffer so that a monetary contribution to pay for the estimated cost of the described off-site transportation improvements can be made in lieu of acquiring the land and physically constructing the roadway sections themselves. The rationale for this request is that a significant portion of the proffered construction will have to be abandoned in the near future due to realignment of the Frying Pan Road/Route 28 interchange; and, moreover, current traffic levels are sufficiently low to warrant the delay in providing the road improvements so as to better coincide with the completion of the new interchange. No changes are proposed to the permitted uses, intensity or design of the site, and all other previous proffers are reaffirmed. The applicant's proffers, affidavit, and statement of justification can be found in Appendices 1-3, respectively.

Previously Approved Waivers and Modifications:

- Modification of the loading space requirement as required in Section 11-200 of the Zoning Ordinance.
- Modification of the transitional screening requirement along the portion of the southern boundary where it abuts the existing multifamily development.
- Waiver of the barrier requirement along the portion of the southern boundary where it abuts the existing multifamily development.
- Waiver of the 600 feet maximum length of private streets.
- Modification of the requirements for secondary uses per Section 6-206 of the Zoning Ordinance to permit an increase in the gross floor area of the residential uses as previously depicted on the approved CDPA and FDPA.
- Modification of the construction materials for sidewalks per Section 8-0100 of the Public Facilities Manual (PFM)
- Modification of the construction materials for trail requirements per Section 8-0200 of the PFM.

LOCATION AND CHARACTER

Site Description:

The 51.76 acre subject property is located on the south side of the Dulles Airport Access Road, with frontage on Sunrise Valley Drive, in a development known as Dulles Station. The PDC-zoned site is currently being developed with internal infrastructure, such as stormwater management facilities and roadway improvements, in anticipation of future development of the site.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Office on Parcel 14; Vacant Parcel 13; Dulles Airport Access Road; across DAAR is residential (MF & SFA) and stream valley open space	C-3, PDC, PDH-20	Mixed Use, Public Park
South	Residential (MF) Vacant-proposed office development	PDC, PDH-20	Mixed Use
East	Dulles Technology Center Office Park	I-4	Mixed Use
West	Dulles Corner Office Park	PDC	Mixed Use

BACKGROUND:

Application	Date	Description
RZ/FDP C-696	August 25, 1975	Rezoned 63.12 acres from RE-1 to PDC with maximum 0.33 FAR.
PCA/FDPA C-696	August 7, 1989	Increased FAR to 0.70 for the development of office, hotel and retail uses.
PCA/FDPA C-696-2	October 16, 2000	Increase the FAR to 0.99 for the development of office, retail and multifamily.
PCA C-696-3	August 6, 2001	Amended the proffers related to offsite transportation improvements.
PCA C-696-4	April 29, 2002	Amended the proffers to modify the phasing of development; provide a minimum amount or a combination of uses in specific buildings; and provide a hotel/health club option in lieu of office buildings.

On August 25, 1975, the Board of Supervisors approved RZ C-696, which rezoned the subject property from the RE-1 District (Residential -1 dwelling unit per acre) to the PDC District (Planned Development Commercial). In addition, the Planning Commission approved the Final Development Plan for a convention center, commercial office space and research and development at an overall Floor Area Ratio (FAR) of 0.33.

On August 7, 1989, the Board of Supervisors approved PCA/FDPA C-696 to allow an increase in the FAR from 0.33 to 0.70, and to revise the site design to include office, hotel and retail uses.

On October 16, 2000, the Board of Supervisors approved PCA C-696-02 to amend the Conceptual Development Plan and proffers to permit the development of office, retail, and multifamily uses at an overall FAR of 0.99. The Final Development Plan Amendment approved 1,505,000 square feet for office and 1,210,000 square feet for multifamily development.

On August 6, 2001, the Board of Supervisors approved PCA C-696-03 to amend the proffers to modify the timing of off-site transportation improvements on Fox Mill and Centreville Roads. There were no revisions to the previously approved Conceptual/Final Development Plan Amendment.

On April 29, 2002, the Board of Supervisors approved PCA C-696-04 to modify the phasing of the development; provide a minimum amount of retail, restaurant, service uses and/or combination of residential and retail, office or service use in specific office

and multifamily buildings; and to permit the option to provide hotels and/or health club/commercial recreation use(s) in lieu of specific office buildings. Copies of the proffers are contained in Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III

Planning Sector: Dulles Suburban Center, Land Unit A

Plan Map: Mixed Use

Plan Text:

On page 54 of the 2003 edition of the Area III Plan, as amended through February 10, 2003, the Plan states under the heading, Land Unit A "General Land Unit Recommendations":

"This land unit is planned for a complementary mix of land uses including office, hotel and support retail at .50-1.0 FAR... A cohesive mixture of residential and nonresidential uses should provide convenience to those who live and work in the area. Development in this land unit should provide for the incorporation of possible future transit related facilities and pedestrian access to transit."

ANALYSIS

There are no land use or environmental issues associated with this application. All previous proffer commitments have been reaffirmed.

Transportation Analysis (Appendix 5)

Because a significant portion of the proffered construction would have to be abandoned in the near future due to the realignment of the Frying Pan Road/Route 28 interchange, staff concurs with the applicant's request for a monetary contribution in lieu of actually constructing the off-site site transportation improvements. The applicant has worked with Transportation staff to arrive at an escrow amount equivalent to the estimated cost of the improvements. The revised proffer has been included in Appendix 1.

CONFORMANCE WITH PROFFERS

The applicant is requesting to amend the Transportation Proffers to make a monetary contribution to pay for offsite transportation improvements rather than acquiring the land

and constructing the improvements as proffered. The proposal is in conformance with the approved proffers and the applicant has proffered to develop in accordance with the proffers of PCA C-696-04 dated April 26, 2002.

ZONING ORDINANCE PROVISIONS

There are no revisions to the approved CDPA/FDPA and the proffered condition amendment application does not alter the previous analysis regarding the general or design standards for the P District, waivers and modifications, or other applicable Zoning Ordinance provisions as established with the proffered Conceptual/Final Development Plan (PCA/FDPA C-696-02 and PCA C- 696-03) for the property.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in harmony with the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions, subject to the execution of the proffers contained in Appendix 1.

Staff Recommendations

Staff recommends approval of PCA C-696-5, subject to the execution of proffers consistent with those contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff, and that it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers
2. Affidavit
3. Statement of Justification
4. Proffers for PCA C-696-04 and CDP/FDP
5. Transportation Analysis
6. Glossary of Term

DRAFT PROFFERS

PCA C-696-5

March 7, 2006

Pursuant to Section 2-2303(a), *Code of Virginia*, 1950 as amended, and subject to the Board of Supervisors approval of the requested Proffered Condition Amendment on property identified as Tax Map 15-4 ((5)) 2A, 2B, 3, 4, 5, 8A, and 16-1 ((25)) 1 (hereinafter referred to as the "Property"), the Applicant and owners for themselves, their successors and assigns proffer that the development of the Property shall be subject to approved proffers dated April 26, 2002, which shall remain in full force and effect except as amended below. In the event that PCA C-696-5 is denied, these proffer revisions shall immediately be null and void and of no further force and effect.

III-5 [Revised as follows]

- a. The Applicant shall contribute Seven Hundred Fifty-five Thousand Dollars (\$755,000.00) towards the construction of the following improvements:
 - i. A free-flow right turn lane on southbound Sunrise Valley Drive onto westbound Frying Pan Road at the Frying Pan Road/Sunrise Valley Drive intersection. Said lane shall extend a minimum 600 feet north of Frying Pan Road exclusive of its transition to Sunrise Valley Drive.
 - ii. A single westbound lane of Frying Pan Road from the Frying Pan Road/Sunrise Valley Drive intersection to the Route 28/Frying Pan Road intersection.

Using the approval date of this application as the base date, this contribution shall be adjusted according to the construction cost index as published in the Marshall and Swift. The Applicant shall fund these improvements prior to the issuance of Non-RUPs for more than 750,000 square feet of gross floor area, or the issuance of RUPs and Non-RUPs for more than 1,000,000 square feet of gross floor area, whichever occurs first. If any, or all, of the improvements described in Proffer 5(a.i or ii) are deemed by the County to be unnecessary or are bonded and constructed by others, the County may, at its discretion, utilize said contribution for other motorized and/or non-motorized transportation improvements for the area within or adjacent to the boundaries of Land Unit A in the Dulles Suburban Center of the Area III Comprehensive Plan.

The Applicant shall provide the County with an escrow of Two Hundred Twenty Thousand Six Hundred Thirty-Eight Dollars (\$220,638.00) to acquire the right-of-way required for the improvements described in Proffer 5(a.i and ii), to the extent that said right-of-way is not provided by others. Using the approval date of this

application as the base date, the amount escrowed shall be adjusted according to any increases in the annual assessment rate of the undeveloped property but in any event no more than 2% per year. The Applicant shall escrow said funds prior to the issuance of Non-RUPs for more than 750,000 square feet of gross floor area, or the issuance of RUPs and Non-RUPs for more than 1, 000,000 square feet of gross floor area, whichever occurs first. It is understood that the County shall use best efforts to acquire said right-of-way from others. Best efforts shall include that DPWES will require the dedication for widening of existing roads as indicated on the Comprehensive Plan, in accordance with Article 17 of the Zoning Ordinance, at the time of site plan approval for the development of parcel(s) 15-4 ((1)) 25 and/or 26A, as designated on the Fairfax County Tax Assessment Map. If the acquisition of all or a portion of the right-of-way is deemed by the County to be unnecessary or if the dedication of all or a portion of said right-of-way is provided by others, the County shall release the a proportionate share of the funds from escrow to the Applicant at the time when the county determines the right-of-way to be unnecessary or upon recordation of a deed of dedication as the case may be.